

# AMENDED APPLICATION

**NO. 71855**

## APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office NOV 08 2004

Returned to applicant for correction NOV 29 2004

Corrected application filed JAN 19 2005

Map filed JAN 27 2005

\*\*\*\*\*

The applicant **Masini Investments, LLC** hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association give names of members.) **Bryan Masini (partner); Patti Masini (partner)**

\*\*\*\*\*

1. The source of the proposed appropriation is **underground**
2. The amount of water applied for is **2.7 cfs** second-feet
  - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **irrigation**
4. If use is for:
  - (a) Irrigation, state number of acres to be irrigated **300 acres**
  - (b) Stockwater, state number and kinds of animals to be watered
  - (c) Other use (describe fully under No. 12. "Remarks")
  - (d) Power:
    - (1) Horsepower developed
    - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point **within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 14, T.43N., R.54E., M.D.M., from which the SW corner of said section bears S. 77° 19' W., 1,856 ft. distant.**
6. Place of Use **T.43N., R.54E., M.D.M Sec. 11: W $\frac{1}{2}$  NW $\frac{1}{4}$ , N $\frac{1}{2}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ; Sec. 12, 13, 14 – all; Sec. 15: NE $\frac{1}{4}$  NE $\frac{1}{4}$ ; Sec. 23: N $\frac{1}{2}$ , N $\frac{1}{2}$  S $\frac{1}{2}$ , S $\frac{1}{2}$  SW $\frac{1}{4}$  Sec 1: SW $\frac{1}{4}$  SW $\frac{1}{4}$**
7. Use will begin about **April 1** and end about **October 31** of each year.
8. Description of proposed works **drilled and cased well, with diesel engine, pivot sprinkler system.**
9. Estimated cost of works **\$100,000.00**
10. Estimated time required to construct works **two years**
11. Estimated time required to complete the application of water to beneficial use **four years**

12. Remarks: Please send copies of notices and correspondence to the undersigned agent, and to Ross E. de Lipkau, Box 2790, Reno, Nevada 89505

William A. Nisbet, agent  
By s/ William A. Nisbet  
421 Court Street  
Elko, Nevada 89801

Compared aem/sam lt/gkl

Protested \_\_\_\_\_

\*\*\*\*\*

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins or before the Proof of Completion of Work is filed.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

This permit is also issued subject to the provision that the place of use of the water herein granted is limited to and supplemental to lands having existing water rights.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit for underground water is issued as a supplemental water supply to lands that have a surface water right as set forth in Proof of Appropriation No. V-06543, Permit 2858, Certificate 1863 and Permit 6517, Certificate 3989. The total diversion of water for irrigation from any and all sources shall not exceed the duty of water for this place of use as set forth in these existing rights. Underground water shall not be pumped from the well described in this permit except to the extent necessary to make up the portion of the entitled duty of water in any given year.

This permit is also issued subject to any terms and conditions that are set forth in the pending adjudication: "IN THE MATTER OF THE DETERMINATION OF THE RELATIVE VESTED RIGHTS IN AND TO THE UNDERGROUND AND SURFACE WATERS WITHIN THE DRAINAGE AREA OF THE EAST FORK OWYHEE RIVER AND TRIBUTARIES, ELKO COUNTY, NEVADA."  
(Continued on Page 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.70 cubic feet per second, or 900.00 acre-feet annually, and not to exceed a yearly duty of 3.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

January 18, 2009

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

January 18, 2013

Map in support of proof of beneficial use shall be filed on or before:

January 18, 2013

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,  
State Engineer of Nevada, have hereunto set  
my hand and the seal of my office,  
this 18th day of January, A.D. 2007

  
\_\_\_\_\_  
State Engineer

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_